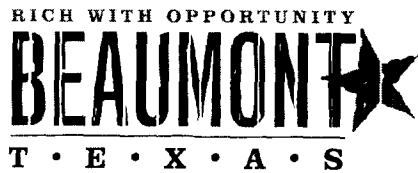




**REGULAR MEETING OF THE CITY COUNCIL  
COUNCIL CHAMBERS    MAY 27, 2014    1:30 P.M.**

**CONSENT AGENDA**

- \*    Approval of minutes – May 20, 2014
- \*    Confirmation of committee appointments
  
- A)    Approve a resolution adopting the Reinvestment Zone Tax Abatement Policy for the City of Beaumont
  
- B)    Approve a resolution authorizing the City Manager to execute a Subsurface Easement Agreement with Samson Exploration LLC



## City Council Agenda Item

**TO:** City Council

**FROM:** Kyle Hayes, City Manager

**PREPARED BY:** Chris Boone,  
Director of Planning & Community Development

**MEETING DATE:** May 27, 2014

**REQUESTED ACTION:** Council consider a resolution adopting the Reinvestment Zone Tax Abatement Policy for the City of Beaumont.

### **BACKGROUND**

The City of Beaumont's Reinvestment Zone Tax Abatement Policy is adopted every two years by the City Council and was last adopted in 2012. There are no recommended changes to the existing policy.

The policy provides criteria for eligibility and implementation in accordance with Texas Tax Code, Chapter 312, otherwise known as the Property Redevelopment and Tax Abatement Act, governing property tax abatement agreements. All applications are considered on a case-by-case basis. Approval of any and all abatements within a designated Reinvestment Zone are contingent upon final consideration and action by the City Council.

### **FUNDING SOURCE**

Not applicable.

### **RECOMMENDATION**

Approval of the resolution.

RESOLUTION NO.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL

OF THE CITY OF BEAUMONT:

THAT the City Council hereby adopts the City of Beaumont's Reinvestment Zone Tax Abatement Policy attached hereto as Exhibit "A."

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 27th day of May, 2014.

---

- Mayor Becky Ames -

**CITY OF BEAUMONT  
REINVESTMENT ZONE  
TAX ABATEMENT POLICY**

**PHILOSOPHY**

Tax abatement is an economic development strategy to mitigate the substantial costs usually associated with the construction of a new or expansion of an existing facility that enhances the economic and/or social base of the community. Because property tax revenue is the means to provide vital community services, it is the position of City of Beaumont that tax abatement be utilized sparingly, and only after careful consideration of the economic impact on the community. Nothing herein shall imply or warrant that the City of Beaumont is under any obligation to provide tax abatement to any applicant.

**ELIGIBILITY**

This policy document provides criteria for eligibility and policy implementation as adopted by the City Council of the City of Beaumont, in accordance with Texas Tax Code, Chapter 312, otherwise known as the Property Redevelopment and Tax Abatement Act (Act), governing property tax abatement agreements within Reinvestment Zones. All applications will be considered on a case-by-case basis.

The following types of enterprises are eligible to apply for tax abatement.

- Industrial/Manufacturing - activities such as engaging in the mechanical or chemical transformation of materials or substances into new products; assembling component parts of manufactured products, if the new product is neither a structure nor other fixed improvement; and blending of materials, such as lubricating oils, plastic toxins or liquors. Other eligible activities include specialty resins and polymers, pharmaceuticals, medical devices and specialty foods.
- Distribution - activities described as the wholesale distribution of durable and/or nondurable goods, such as motor vehicles, furniture, lumber and other construction materials, professional and commercial equipment, electrical goods, hardware and plumbing and heating equipment, paper and paper products, apparel and groceries.
- Central administrative office services - examples include performing management, support services or telecommunication functions for related entities.
- Properties subject to a Texas Commission on Environmental Quality (TCEQ) Voluntary Cleanup Program Agreement.

Eligible property for which abatement may be granted includes non-residential real property and/or tangible personal property located on the real property other than that personal property

that was located on the real property at any time before the abatement agreement is executed. Abatement of taxes shall be the value of real or personal property located on the property for each year of the Tax Abatement Agreement only to the extent that the value for the year exceeds the value for the year in which the agreement was executed. Excluded from eligible personal property are inventory or supplies. Personal property with a useful life of less than ten years is also not eligible for tax abatement.

- A. The City of Beaumont herein ("Governmental Entity") adopts these guidelines and criteria for tax abatement ("Policy") for real property owners who propose a project ("Project") to develop, redevelop and improve taxable qualifying real property ("Real Property"). The Governmental Entity is willing to provide a subsidy to a Real Property Owner in the form of a special exemption from certain taxes provided the Real Property Owner agrees to accept and abide by this Policy. If the Real Property owner leases said property to a third party, the Governmental Entity may require assurances that the conditions outlined in this policy for the Real Property Owner will be met.
- B. The abatement of ad valorem taxes on Real Property Improvements and Eligible Personal Property will be evaluated and determined according to the following formula and will be subject to the remaining terms of this policy.

PERCENT OF CREATED VALUE TO BE ABATED	CAPITAL COST OF THE PROJECT (OR)	NUMBER OF NEW FULL-TIME JOBS TO BE CREATED
	\$ 0 - \$ 500,000	Not Applicable
100% for 2 yrs. after project completion	\$ 500,001 - \$2,000,000	20-30
100% for 3 years	\$2,000,001 - \$3,500,000	31-40
100% for 4 years	\$3,500,001 - \$5,000,000	41-50
Individual Case Basis	\$5,000,001 or more	51 or more

A full-time equivalent employment position is one that provides at least 2,080 hours annually within the City's taxing jurisdiction. The number of full-time equivalent employment positions is determined by adding the total number of hours worked and/or actual paid leave (such as vacation, sick leave, jury duty) of all employees, less overtime hours, and dividing that sum by 2,080. All existing jobs as well as those created must be maintained throughout the term of a tax abatement agreement.

- C. With respect to a Project with a minimum investment of \$5,000,001, each tax abatement request will be individually reviewed by the Governmental Entity and approved or declined based on the merits of the application. The percentage of taxes abated is one hundred percent abatement until Project Completion, not to exceed the first and second Tax Year. The percentage of taxes abated for the first through fifth Tax Years next following Project Completion shall be that percentage of abatement granted by the Governmental Entity at the time of the application.

The City Council may extend the abatement period longer than the periods stated above if warranted based on an analysis of the direct economic impact.

The period of time that the taxes are abated will be referred to as the "Abatement Period". The "first Tax Year" is defined as the first full calendar year next following the commencement of construction of the Project.

### **PROPERTIES SUBJECT TO VOLUNTARY CLEANUP AGREEMENT**

Tax abatement may apply to properties that are subject to a Voluntary Cleanup Program Agreement as executed with the Texas Commission on Environmental Quality (TCEQ) in accordance with §361.601 et. seq. of the Health and Safety Code for the cleanup or removal of a hazardous substance or contaminant from the environment, as follows:

<u>Capital Expenditure</u>	<u>Abatement</u>	<u>Years</u>
Minimum of \$250,000	100%	1
	75%	2
	50%	3
	25%	4

Tax abatement for such properties shall not exceed four years and will take effect on January 1 of the year following the date the property owner receives a certificate of completion for the property. The City of Beaumont may cancel or modify the agreement if it determines that the use of the land is changed from the use specified in the certificate of completion, and the new use may result in an increased risk to human health or the environment.

- D. Prior to beginning the actual construction work or buying personal property for the Project proposed for tax abatement, the Real Property Owner requesting tax abatement within a lawfully created reinvestment zone must:
- (1) Provide the Governmental Entity with (a) a description of the Project clearly defining and delineating the work to perform; (b) a statement agreeing to expend a designated amount ("Project Cost") for the Project and, if the abatement is based on Required Jobs, a separate statement agreeing that the required minimum number of full-time jobs will be created ("Required Jobs") and maintained during the term of the Contract; (c) an explanation as to how the Project will provide long term significant positive economic benefit to the community, the Governmental Entity and its taxpayers; (d) information as to what attempt will be made to utilize Jefferson County contractors and workers; and (e) information as to what attempt will be made to utilize Jefferson County minority contractors and workers.

- (2) Furnish the Governmental Entity with a written statement that tax abatement will be a significant factor in determining whether the Project for the development, redevelopment or improvement of the Real Property will take place.
  - (3) Agree to execute a Contract with the Governmental Entity containing the covenants and conditions required by the Governmental Entity.
- E. Should the Governmental Entity agree to grant an abatement to the Real Property Owner after compliance with the procedure outlined above, then:
- (1) Subject to the terms and conditions of the contract, a stipulated percentage as set forth above of those particular ad valorem real property taxes ("Taxes") which are generated by virtue of fair market value created ("Created Value") solely due to the construction and completion of the Project on the real Property will be abated.
  - (2) The Period of Construction ("Construction Period") for the Project shall not go beyond the end of the second Tax Year. During the Construction Period the Real Property Owner must actually expend the Project Cost.
  - (3) Within six months next following the end of the Construction Period, the Project must be operational; i.e., it must actively serve the purpose for which it is designed.
  - (4) In the event the Project is either:
    - (a) Not complete at the Minimum Cost by the end of the Construction Period; or
    - (b) Is timely completed at the Minimum Cost but is not operational within six months next following the end of the Construction Period; or
    - (c) Is timely completed but the Required Jobs are not created or maintained as set forth in paragraph (B); or
    - (d) Is timely completed at the Minimum Cost, is operational within six months next following the end of the Construction Period and, if applicable, meets the job requirements, but its operations are discontinued for a continuous period of six months, then the Contract shall terminate with respect to the Project and so shall the abatement of Taxes for the Created Value of the Project. The Taxes otherwise abated with respect to the Project shall be paid to the Governmental Entity on the date specified by law, or, if such date has passed, then within sixty (60) days of the accelerated termination of the Abatement Period.
  - (5) Employees and/or designated representatives of the Governmental Entity will have access to the Project during the term of the contract for inspection purposes so as to determine if the terms and conditions of the Contract are being met. All

inspections will be made only after the giving of twenty-four (24) hours prior notice and will only be conducted in such a manner as to not unreasonably interfere with the construction and/or operation of the Project. All inspections will be made with one or more representatives of the Real Property Owner, and in accordance with its safety standards.

- (6) In the event that (a) The Real Property Owner allow its ad valorem taxes owed the Governmental Entity to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or contest; or (b) the Real Property Owner violates any of the terms and conditions of the Contract, and fails to cure during the Cure Period (as hereafter provided), then the Contract may be terminated by the Governmental Entity, and all taxes otherwise abated by virtue of the Contract will be recaptured and paid to the Governmental Entity by the Real Property Owner within sixty (60) days of the termination.
- (7) The term "Base Year Value" as used herein is the market value of all realty improvements of the Real Property Owner located within the taxing entity as of January 1 of the year a contract is executed less the abated value of all projects granted the Real Property Owner by the taxing entity for the "Base Year". The term "Taxable Value" is determined by deducting the amount of any abatements granted for that Tax Year from the appraised market value of all realty improvements of the Real Property Owner located within that taxing entity. If on January 1<sup>st</sup> of any Tax Year all of the legally determined realty improvements owned by the Real Property Owner within the jurisdiction of the Governmental Entity is less than the legally determined Base Year Value and/or in the event that the Real Property Owner reduces their ad valorem taxes on personal property otherwise payable to the Governmental Entity by participating in a foreign trade zone or by having otherwise taxable property exempted pursuant to special legislation, e.g., the "Freeport Amendment" ("Special Treatment"), then the abatement otherwise available shall be reduced by one dollar for each dollar that the taxable value is less than the Base Year Value and, also, for each dollar of tax reduction attributable to Special Treatment; provided, however, that in no event shall the offset exceed the Created Value of the Project otherwise subject to the abatement of taxes.
- (8) Notwithstanding any other provision herein to the contrary in the event that the Governmental Entity adopting this Policy is required to adopt a tax rate which would subject the Entity to a tax rollback election under Section 26.07 of the Property Tax Code, and this increase is caused by requirements set forth by the State; mandated by the judiciary; expenses required to repair, rebuild or rehabilitate improvements which are damaged or destroyed; or due to a significant decline in value of a major industrial complex located in the jurisdiction of the Entity, then the Entity may allocate the taxable value necessary to reduce the actual rate below the rollback rate to the Owners of abated property based on the Owner's prorate share of the total abated value for the current tax year.

- (9) Should the Governmental Entity determine that the Real Property Owner is in default in the terms and conditions of the Contract, then the Governmental Entity will notify the Real Property Owner at the address stated in the Contract of such claimed default, and if such is not cured within sixty (60) days from the date of such notice ("Cure Period"), the Contract may be terminated by the Governmental Entity. Any notice of default shall be in writing and shall be given by personal delivery or by certified mail, return receipt requested. In the event the notice is affected by personal delivery, the date and hour of actual delivery shall be the time and date of such notice to the Business. Absent a postal strike or the stoppage of the mails, in the event of delivery of notice by registered or certified United States mail, the date and hour following 48 hours after the date and hour at which the sealed envelope containing the notice is deposited in the United States mail, properly addressed, and with postage prepaid, shall be the time and date of such notice to Real Property Owner.
- F. The Governmental Entity adopting this Policy shall have the final decision with respect to its interpretation and, also, as to whether the minimum standards set forth above have been met by the Real Property Owner.
- G. This Policy shall terminate on the second anniversary from the date of its adoption by the Governmental Entity.

### **APPLICATION**

For additional information on tax abatement, contact the Community Development Department at (409) 880-3100. In determining how and with whom tax abatement will be utilized, the City will examine the potential return on the public's investment, including net jobs created, jobs retained, broadening of the tax base, expansion of the economic base and competitive impact upon existing industries and businesses. Approval is contingent upon final consideration and action by the Beaumont City Council. To the extent permitted by law, information provided by an applicant in connection with a request for tax abatement is confidential and not subject to public disclosure until the tax abatement agreement is executed.

Application for Tax Abatement  
City of Beaumont

This application will become part of the Tax Abatement Agreements and any knowingly false representations will be grounds for the voiding of the agreement. An original copy of this request should be submitted to the Community Development Department, City of Beaumont, P. O. Box 3827, Beaumont, Texas 77704.

**Part I – Applicant Information**

**Application Date** \_\_\_\_\_

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Current Number of Employees: \_\_\_\_\_

Annual Sales: \_\_\_\_\_

Employees in Taxing Jurisdiction: \_\_\_\_\_

Beaumont Address: \_\_\_\_\_

Years in Jefferson County: \_\_\_\_\_

Legal Counsel: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

☐ Corporation

☐ Partnership

☐ Proprietorship

Has the Applicant Company recently been cited or currently under investigation for any violations of Federal, State, and/or City laws, codes, or ordinances? ( ) No ( ) Yes

If yes, please provide detailed information on the nature and status of the violation(s) on a separate sheet of paper.

Is any interest in the project presently held by a member of the Beaumont City Council, Planning and Zoning Commission, or any City employee?

( ) No ( ) Yes

*Attach a description of the Applicant Company, including a brief history, corporate structure, and business plan and annual statement, if available.*

## Part II – Project Information

Location Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Tax Acct. Numbers: \_\_\_\_\_

*Attach statement fully explaining project, describe existing site and improvements, describe all proposed improvements and provide list of improvements and equipment for which abatement is requested. If available, provide a map showing location of existing and proposed improvements.*

### Section A – Economic Development

Type of Facility/abatement:

☐ Industrial \_\_\_\_\_ ☐ Central Administrative office services \_\_\_\_\_  
☐ Manufacturing \_\_\_\_\_ ☐ Distribution \_\_\_\_\_  
☐ Brown fields site \_\_\_\_\_ ☐ Other \_\_\_\_\_

Describe product or service to be provided: \_\_\_\_\_

## Part III – Economic Information

Construction Estimate:

Contractor: \_\_\_\_\_

Start Date: \_\_\_\_\_ Contract Amount: \_\_\_\_\_

Completion Date: \_\_\_\_\_ Peak Construction Jobs: \_\_\_\_\_

If Modernization:

Estimated current economic life of structure \_\_\_\_\_ years

Added economic life from modernization \_\_\_\_\_ years

Permanent Job Creation/Retention:

Current employment \_\_\_\_\_ Jobs to be Retained: \_\_\_\_\_

Full-time jobs created \_\_\_\_\_ at opening \_\_\_\_\_ 20 \_\_\_\_\_

at 3 years \_\_\_\_\_ 20 \_\_\_\_\_

(A full-time equivalent position is one that provides at least 2,080 hours annually within the City's taxing jurisdiction.)

Provide information, if available, on

- (1) new employee needs; e. g. skilled vs. non-skilled, level of education, experience, etc.;
- (2) any training the company will provide to its new employees;
- (3) attach a list of new jobs to be created by job class with associated wage and salary ranges. Also, provide an average wage for hourly jobs and an average salary for management jobs;
- (4) attach a list of benefits provided to employees. Indicate if employees' dependents have access to the company's health plan;
- (5) attach a list describing the type of incentive and/or assistance you will be requesting from

other City departments and/or utility companies;  
 (6) describe any goodwill benefits your company will provide to the community.

ESTIMATED APPRAISED VALUE ON SITE	LAND	IMPROVEMENTS	PERSONAL PROPERTY (FURNITURE FIXTURES AND EQUIPMENT)
Value on January 1 proceeding abatement			
Estimated value of new abatable investment			
Estimated value of properties not subject to abatement (i. e. inventory, supplies)			
Estimated value of property subject to ad valorem tax at end of abatement			

\* Please state the method used to determine the estimated value of proposed improvements (i. e. appraisal of plans and specs, etc.)

- (1) Provide the Governmental Entity with (a) a statement agreeing to expend a designated amount ("Project Cost") for the Project and, if the abatement is based on Required Jobs, a separate statement agreeing that the required minimum number of full-time jobs will be created ("Required Jobs") and maintained during the term of the Contract; (b) an explanation as to how the Project will provide a long term significant positive economic benefit to the community, the Governmental Entity and its taxpayers; (c) information as to what attempt will be made to utilize Beaumont contractors and workers; and (d) information as to what attempt will be made to utilize Beaumont or Jefferson County contractors and workers; and (e) information as to what attempt will be made to utilize Beaumont or Jefferson County minority contractors and workers.
- (2) Furnish the Governmental Entity with a written statement that tax abatement will be a significant factor in determining whether the Project for the development, redevelopment or improvement of the Real Property will take place.
- (3) Agree to execute a Contract with the Government Entity containing the covenants and conditions required by the Governmental Entity.

Company Representative to be Contacted:

Authorized Company Official:

Name: \_\_\_\_\_

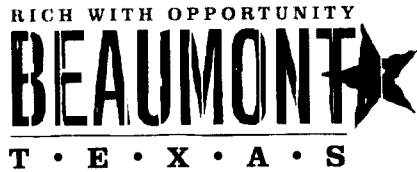
\_\_\_\_\_  
 Authorized Signature

Title: \_\_\_\_\_

\_\_\_\_\_  
 Name and Title

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_



## City Council Agenda Item

**TO:** City Council

**FROM:** Kyle Hayes, City Manager

**PREPARED BY:** Patrick Donart, Public Works Director

**MEETING DATE:** May 27, 2014

**REQUESTED ACTION:** Council consider a resolution authorizing the City Manager to execute a Subsurface Easement Agreement with Samson Exploration LLC.

### BACKGROUND

State of Texas rules dictate the surface owner has the rights to all the dirt, gravel, sand, etc... from the tract of land they own. The City of Beaumont owns the Surface right under Landis Drive. Sampson plans to drill an oil and gas well from their existing well located on the Southwest corner of College and Major and the well will end under Westpark Subdivision, several blocks behind Amelia Elementary School.

Samson Exploration LLC has requested the City of Beaumont grant a subsurface easement for the purposes of exploring for drilling wells for oil, gas, and/or other substances on or across City Right of Way. The Subsurface Easement crossing a portion under Landis Drive is described as a 2.10 acre of land in the A. Savery League, Abstract 46.

### FUNDING SOURCE

Sampson Exploration LLC will pay \$500.00 to the City of Beaumont for the use of the subsurface easement.

### RECOMMENDATION

Approval of resolution.

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE

CITY OF BEAUMONT:

THAT the City Manager be and he is hereby authorized to grant a Subsurface Easement Agreement to Samson Exploration LLC, substantially in the form attached hereto as Exhibit "1," that will cross a portion of Landis Drive, said easement being 2.10 acres of land in the A. Savery League, Abstract 46 for the purpose of drilling wells for oil, gas, and/or other substances on or across City right-of-way; said work is to be completed in compliance with City requirements.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 27th day of May, 2014.

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- Mayor Becky Ames -



STATE OF TEXAS           §  
   §  
COUNTY OF JEFFERSON §

BEFORE ME, the undersigned authority, on this day personally appeared **Kyle Hayes** as **City Manager** of the **City of Beaumont**, a municipal corporation domiciled in Jefferson County, Texas, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act of such corporation for the purposes and consideration therein expressed and in the capacity therein stated.

\_\_\_\_\_  
Notary Public, State of Texas

RETURN TO:  
Shelby R. Gibbs  
J. Mark Smith & Associates, Inc.  
7485 Phelan Blvd.  
Beaumont, Texas 77706

## **EXHIBIT "A"**

Being approximately 2.10 acres of land in the A. Savery League, Abstract 46, in Beaumont, Jefferson County, Texas, and also being know as Landis Drive and further described as follows:

Beginning at the south east corner of a 0.2869 acre tract of land described by metes and bounds in Instrument #1999030609 from The Market Place of Texas, Inc to Petro Express Management, Ltd, on August 5, 1999 in the Deed Records of Jefferson County:

Thence South 81 deg 45 min 30 sec West along the north right of way of Landis Drive for a distance of 107.86 feet to a point making the southwest corner of a 0.2869ac tract described in Instrument #1999030609 from The Market Place of Texas, Inc to Petro Express Management, Ltd, on August 5, 1999 in the Deed Records of Jefferson County:

Thence North 00 deg 07 min 12 sec West along the west line of said 0.2869ac tract a distance of 10.11 feet to the southeast corner of Lot 8 Block 3 Meadowbrook 2;

Thence South 81 deg 45 min 41 West a distance of 60 feet to the southeast corner of Lot 1 Block 6 Meadowbrook 2;

Thence South 81 deg 45 min 41 West a distance of 1210.56 feet along the north right of way of Landis Drive to a point for the south west corner of Lot 14 Block 6 Meadowbrook 2;

Thence South 81 deg 45 min 41 West a distance of 60 feet to the southeast corner of Lot 14 Block 2 Meadowbrook 2;

Thence South 81 deg 45 min 41 West along the south line of Lot 14 Block 2 Meadowbrook 2 for a distance of 112.63 to the southeast corner of Lot 14 Block 2 Meadowbrook 2;

Thence South a distance of 60 feet to the south right of way line of Landis Drive;

Thence in a Northeasterly direction along the south right of way line of Lanis Drive to a point in the west right of way line of Major Drive (F. M. Highway 364) approximately 1640 feet;

Thence North along the west right of way line of Major Drive (F. M. Highway 364) approximately 50 feet;

Thence in a southwesterly direction along the north right of way line of Landis Drive to the Place of Beginning, containing 2.10 acres of land, more or less.

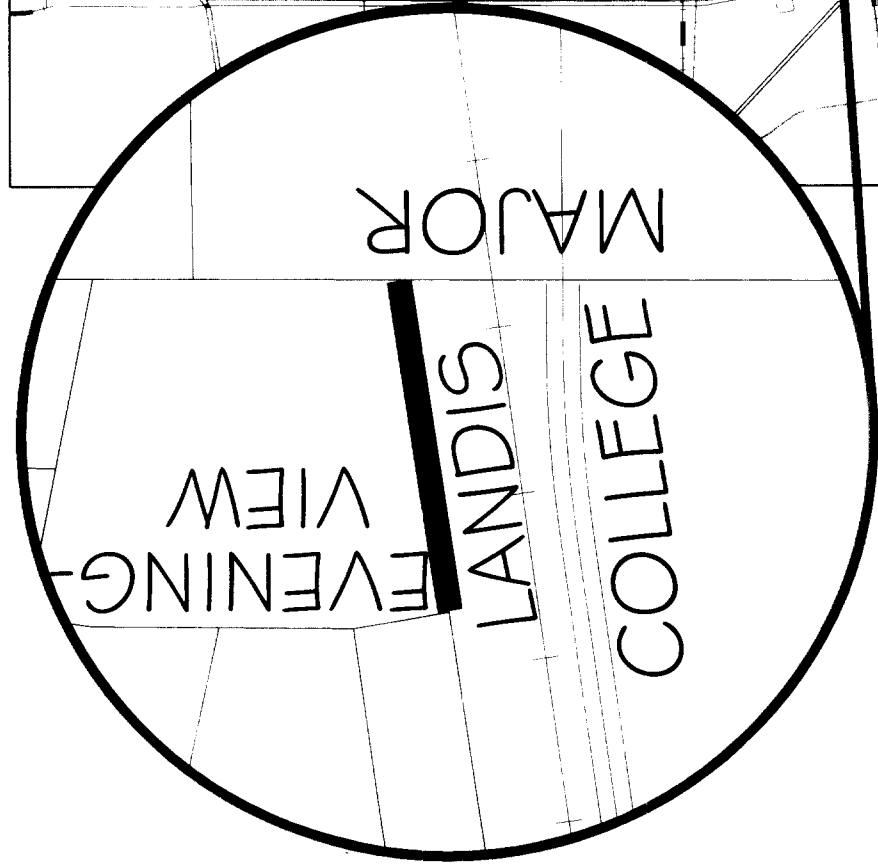
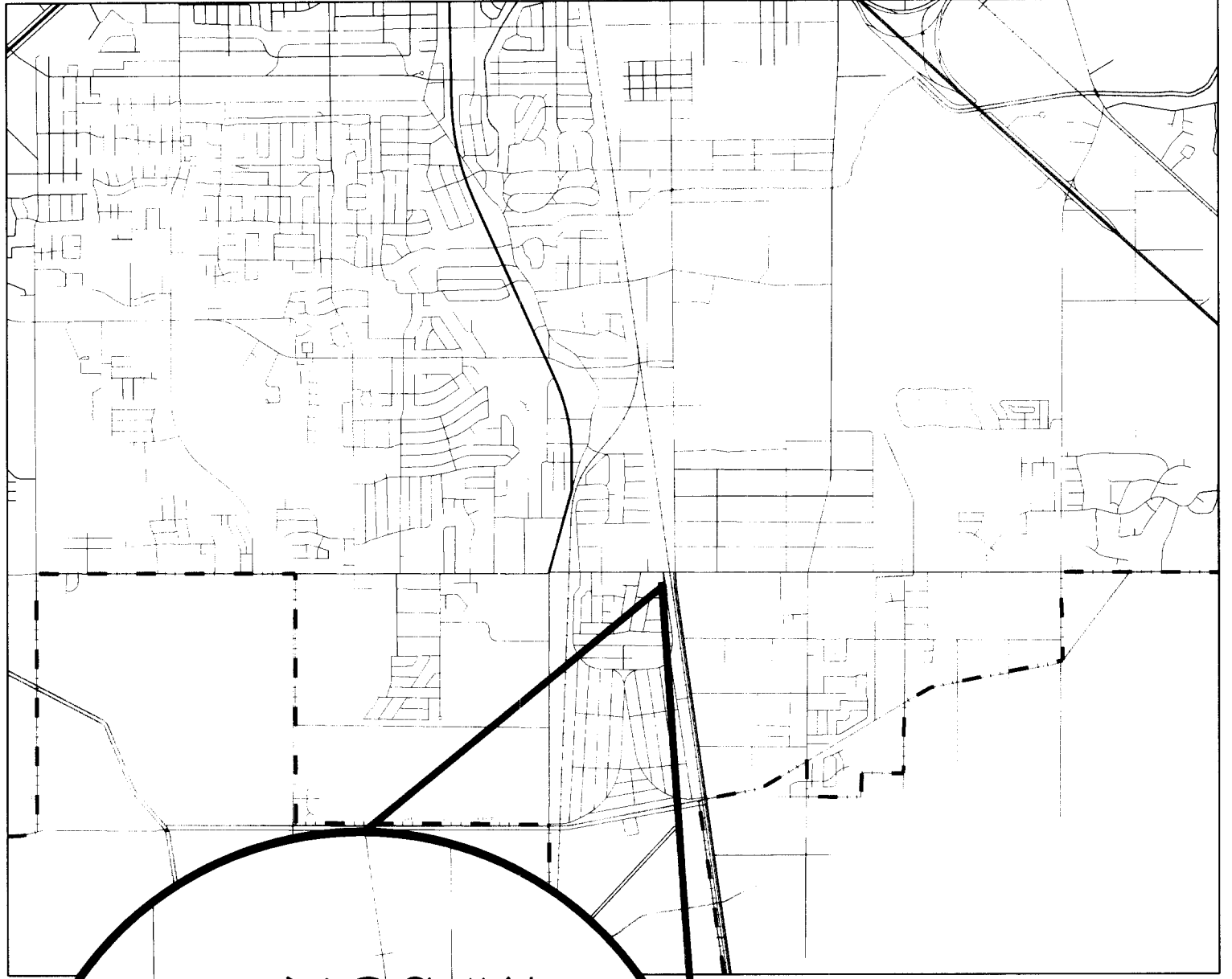
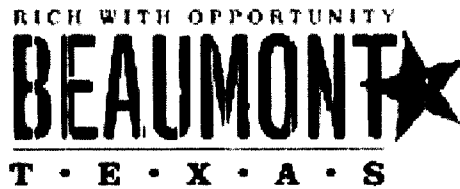


EXHIBIT "B"



**REGULAR MEETING OF THE CITY COUNCIL  
COUNCIL CHAMBERS      MAY 27, 2014      1:30 P.M.**

**AGENDA**

**CALL TO ORDER**

- \* Invocation                      Pledge                      Roll Call
- \* Presentations and Recognition
- \* Public Comment: Persons may speak on scheduled agenda items 3-4/Consent Agenda
- \* Consent Agenda

**GENERAL BUSINESS**

1. Consider approving an ordinance abandoning a 15 ft. general utility easement along the perimeter of the south 250' of West Commerce Parkway and a 20x384 ft. drainage easement between West Commerce Parkway and Hillebrandt Bayou
2. Consider approving an ordinance abandoning the south 250 ft. of West Commerce Parkway, a 60' road right-of-way
3. Consider amending Section 2.03.075 of the Code of Ordinances by reducing the number of Grade IV (Captain) positions from 3 to 2 and increasing the number of Grade I (Officer) positions from 198 to 199
4. Consider a resolution approving a change order to the contract with Allco, Inc. for the South Park Drainage Improvement Project

**WORK SESSION**

- \* Review and discuss the City's healthcare program and related expenses

**COMMENTS**

- \* Councilmembers/City Manager comment on various matters
- \* Public Comment (Persons are limited to 3 minutes)

## **EXECUTIVE SESSION**

- \* As authorized by Section 551.087 of the Government Code, to discuss and deliberate the offer of incentives for the expansion of an existing petroleum storage business in or near the City of Beaumont with which the City is conducting economic development negotiations.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact Mitchell Normand at 880-3777 three days prior to the meeting.

**May 27, 2014**

Consider approving an ordinance abandoning a 15 ft. general utility easement along the perimeter of the south 250' of West Commerce Parkway and a 20x384 ft. drainage easement between West Commerce Parkway and Hillebrandt Bayou

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## City Council Agenda Item

**TO:** City Council

**FROM:** Kyle Hayes, City Manager

**PREPARED BY:** CJB  
Chris Boone, Director of Planning and Community Development

**MEETING DATE:** May 27, 2014

**REQUESTED ACTION:** Council consider an ordinance abandoning a 15 ft. general utility easement along the perimeter of the south 250' of West Commerce Parkway and a 20x384 ft drainage easement between West Commerce Parkway and Hillebrandt Bayou.

### BACKGROUND

Sam Parigi on behalf of Pargo Development, LTD has applied for the abandonment of utility easements along the east and west sides of West Commerce Parkway right-of-way and a drainage easement to the east.

This abandonment is necessary to facilitate the development of the property as a commercial distribution center. The easements run directly through the proposed facility and needed parking. All utilities and drainage will be removed and redirected or relocated as needed.

This item was sent to all interested parties. No negative responses have been received.

At a Joint Public Hearing held May 19, 2014, the Planning Commission recommended approval 7:0 of the abandonment.

### FUNDING SOURCE

Not applicable.

### RECOMMENDATION

Approval of ordinance.

**APPLICATION FOR RIGHT-OF-WAY  
OR UTILITY EASEMENT ABANDONMENT  
CITY OF BEAUMONT, TEXAS**

THIS IS AN APPLICATION TO ABANDON A:      RIGHT-OF-WAY (ROW),  
OR      RIGHT-OF-WAY BUT RETAIN UTILITY EASEMENT.

UTILITY EASEMENT (UE)

NAME OF APPLICANT: Sam Parigi      PHONE: 409-833-9555      FAX: 409-833-9522

AUTHORITY OF APPLICANT: President

NAME OF OWNER: PARAGO DEVELOPMENT, LTD

ADDRESS: 445 North Fourteenth Street  
Beaumont TX 77702-1806      PHONE: 409-833-9555      FAX: 409-833-9522

ALL OWNERS ABUTTING THE ROW OR UE MUST SIGN WRITTEN REQUEST.  
(PLEASE ATTACH PROPERTY OWNER'S LIST TO THE APPLICATION)

DESCRIPTION OF ROW OR UE TO BE ABANDONED: 15' General Utility Easement East and West side of West  
Commerce Parkway and 20' x 384' Drainage Easement

PRESENT USE OF ROW OR UE (LIST UTILITIES IF PRESENT) 42" Storm Pipe

**ATTACH A LETTER STATING THE REASONS FOR THE ABANDONMENT.**

**LEGAL DESCRIPTION OF PROPERTY:**

LOT NO. Lots 6-12      OR      TRACT \_\_\_\_\_

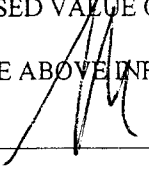
BLOCK NO. \_\_\_\_\_      PLAT \_\_\_\_\_

ADDITION Washington Boulevard Park      SURVEY \_\_\_\_\_

**ATTACH A MAP OR PLAT DELINEATING THE PUBLIC ROW OR UE TO BE ABANDONED AND THE LEGAL DESCRIPTION OF ADJACENT PROPERTY (DIMENSIONED AND TO ENGINEERING SCALE).**

ATTACH THE \$300.00 **APPLICATION FEE**, THE ACTUAL COST OF NECESSARY APPRAISALS AND TITLE COMMITMENTS.  
IF PROPERTY IS ABANDONED, APPRAISED VALUE OF THE FEE INTEREST IN THE PROPERTY SHALL BE CHARGED.

TO THE BEST OF MY KNOWLEDGE, THE ABOVE INFORMATION IS TRUE AND CORRECT.

SIGNATURE OF APPLICANT:       DATE: 4-25-14

PLEASE TYPE OR PRINT AND SUBMIT TO:

PLANNING DIVISION, ROOM 205  
CITY HALL, 801 MAIN STREET  
BEAUMONT, TX 77701  
P.O. BOX 3827 77704  
(409) 880-3764      FAX (409) 880-3133

FILE NUMBER: 846-05  
DATE RECEIVED: 4/25/14  
RECEIPT NUMBER: \_\_\_\_\_

# Fittz & Shipman

INC.

*Consulting Engineers and Land Surveyors*

Ronald D. Fittz, P.E., R.P.L.S. (1948-1987)  
Terry C. Shipman, P.E., Chairman  
Billy J. Smith, Jr., President  
Donald R. King, P.E.  
Walter J. Ksiazek, R.P.L.S.

May 24, 2012

Mr. Chris Boone  
Planning Department  
City of Beaumont  
P. O. Box 3287  
Beaumont, Texas 77701

**RE: Abandonment of Utility and Drainage Easement, and  
Partial Abandonment of West Commerce Parkway  
Washington Boulevard Park**

**FS Proj. No. 14046.0001**

Dear Mr. Boone,

The Parago Development LTD. requests the abandonment of Washington Boulevard Park Utility Easement along the east and west Right-of-Way of West Commerce Parkway and the east and west Right-of-Way of West Commerce Parkway. This request is made to allow construction of new commercial distribution center facilities on the site to accommodate the growing company's needs. The company is proposing to relocate within the City to a newer and larger facility.

The Right-of-Way and the easement, as you can see from the plat and legal description provided with this letter, runs directly through the new facility location.

Water facilities that previously ran along West Commerce Parkway through the right-of-way will have to be abandon and rerouted. Sanitary sewer has been found on site within right-of-way. Storm sewers within the right-of-way and drainage easement to be removed and directed to a proposed new drainage easement location. The new drainage easement will convey drainage public runoff from the previous businesses and vacant lots that were draining to the abandoned street, to a drainage ditch, as previously designed.


The remaining utilities consist of gas line servicing only the school, and AT&T underground line that can be relocated. CenterPoint Energy is working with us to adjust the existing gas line.

Entergy Texas has a power pole with a street light attached to it on site within the right-of-way. However, the pole is provides service to the lots that will developed and will not affect other business once relocated. Entergy has stated the pole and street light will need to be removed upon request from the developer. No other Entergy distribution lines run through the easement.

Your help in this matter is greatly appreciated by Parago Development LTD and Scannell Properties developers.

Sincerely,

**Fittz & Shipman, Inc.**

by:   
Ben Tristan, E.I.T., Project Engineer  
for the Firm

14046.0001101.doc

Attachments

NUMBER	DELTA	RADIUS	ARC	CHORD	CHORD BEARING
C1	286°19'16"	50.00	249.86	59.96	N 86°58'34" E
CALLED		50.00			
C2	272°25'26"	65.00	309.06	89.96	N 86°58'59" E

NOTE: BEARINGS ARE REFERENCED TO THE NAD83 TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE #4204.

ORDINANCE NO.

ENTITLED AN ORDINANCE VACATING AND ABANDONING  
A FIFTEEN FOOT (15') GENERAL UTILITY EASEMENT  
ALONG THE PERIMETER OF THE SOUTH 250' OF WEST  
COMMERCE PARKWAY AND A 20' X 384' DRAINAGE  
EASEMENT BETWEEN WEST COMMERCE PARKWAY AND  
HILLEBRANDT BAYOU, CITY OF BEAUMONT, JEFFERSON  
COUNTY, TEXAS.

WHEREAS, SAM Parigi, on behalf of Pargo Development, LTD, has applied for an abandonment of a fifteen foot (15') general utility easement along the perimeter of the South 250' of West Commerce Parkway, City of Beaumont, Jefferson County, Texas, as described in Exhibit "A," attached hereto, and a 20' x 384' drainage easement between West Commerce Parkway and Hillebrandt Bayou, City of Beaumont, Jefferson County, Texas, as described in Exhibit "B," attached hereto; and,

WHEREAS, the City Council has considered the purpose of said abandonment and is of the opinion that the general utility easement and drainage easement are no longer necessary for municipal street purposes and the abandonment of said general utility easement and drainage easement is in the best interest of the City and should be granted;

NOW, THEREFORE, BE IT ORDAINED BY THE

CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT a fifteen foot (15') general utility easement along the perimeter of the South 250' of West Commerce Parkway, City of Beaumont, Jefferson County, Texas, as described in Exhibit "A," attached hereto, and a 20' x 384' drainage easement between West Commerce Parkway and Hillebrandt Bayou, City of Beaumont, Jefferson County,

Texas, as described in Exhibit "B," attached hereto, be and the same are hereby vacated and abandoned and that title to such property shall revert to and become the property of the persons entitled thereto by law.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 27th day of May, 2014.

---

- Mayor Becky Ames -

**EXHIBIT "A", PAGE 3 OF 5  
FIELD NOTE DESCRIPTION  
OF A  
0.2652 ACRE TRACT FOR THE  
ABANDONMENT OF A PORTION OF A  
15' WIDE UTILITY EASEMENT  
IN  
WASHINGTON BOULEVARD PARK  
OUT OF THE  
C. WILLIAMS SURVEY, ABSTRACT 59  
JEFFERSON COUNTY, TEXAS  
APRIL 22, 2014**

That certain 0.2652 acre tract for the abandonment of a portion of a 15' wide Utility Easement in Washington Boulevard Park, a plat recorded in Clerks File No. 2008029879 of the Official Public Records of Jefferson County, Texas, and being out of the C. Williams Survey, Abstract 59, Jefferson County, Texas, said 0.2652 acres being more particularly described by metes and bounds as follows:

Note: Bearings are referenced to the NAD83 Texas State Plane Coordinate System, South Central Zone #4204.

***BEGINNING*** at a capped iron rod found in the east right-of-way line of West Commerce Parkway for the southwest corner of Lot 5 and the northwest corner of Lot 6 of said Washington Boulevard Parkway, also being the most northerly northwest corner of the said 0.2652 acre tract;

THENCE North 87°02'34" East along the south line of said Lot 5 and the north line of said Lot 6 and the said 0.2652 acre tract a distance of 15.00 feet (called North 88°52'05" East) to a point for the most northerly northeast corner of the said 0.2652 acre tract from which a capped iron rod found for the southeast corner of said Lot 5 and the northeast corner of said Lot 6 bears North 87°02'34" East 366.33 (called North 88°52'05" East);

THENCE South 02°58'10" East along the east line of the said 0.2652 acre tract a distance of 355.37 feet to a point for the PC of a curve;

THENCE along a curve to the left having a chord bearing of South 86°58'59" West, a chord distance of 89.96 feet and a radius of 50.00 feet, a distance of 309.06 feet along the curve to a point for corner;

THENCE North 02°58'55" West along the west line of the said 0.2652 acre tract a distance of 128.76 feet to a point in the south line of Lot 13 and the north line of Lot 12 of said Washington Boulevard Park for the most westerly northwest corner of the said 0.2652 acre tract from which a capped iron rod found for the southwest corner of said Lot 13 and the northwest corner of said Lot 12 bears South 89°24'56" West 349.86 feet (called South 88°44'58" West);

THENCE North 89°24'56" East along the said south line of Lot 13, the north line of Lot 12 and the said 0.2652 acre tract a distance of 15.01 feet (called North 88°44'58" East) to a capped iron rod found in the west right-of-way line of West Commerce Parkway for the southeast corner of said Lot 13, the northeast corner of said Lot 12 and an exterior corner of the said 0.2652 acre tract;

THENCE South 02°58'55" East along the said west right-of-way line of West Commerce Parkway, the east line of said Lot 12 and a portion of Lot 11 of said Washington Boulevard Park and an interior line of the said 0.2652 acre tract a distance of 135.04 feet (called South 01°07'55" East 135.05 feet) to a capped

iron rod found for the PC of a curve;

THENCE along the southerly right-of-way of said West Commerce Parkway and an interior line of the said 0.2652 acre tract with a curve to the right having a chord bearing of North  $86^{\circ}58'34''$  East, a chord distance of 59.96 feet and a radius of 50.00 feet, a distance of 249.86 feet along the curve to a capped iron rod found for the PT of the curve;

THENCE North  $02^{\circ}58'10''$  West along the said east right-of-way line of West Commerce Parkway and an interior line of the said 0.2652 acre tract a distance of 362.29 feet (called North  $01^{\circ}07'55''$  West 362.35 feet) to the ***POINT OF BEGINNING*** and containing 0.2652 acres of land, more or less.

This description is based on a survey made by Fittz & Shipman, Inc. on April 16, 2014.

## LEGAL DESCRIPTION FOR ORDINANCE PURPOSES

**EXHIBIT "A", PAGE 1 OF 5  
FIELD NOTE DESCRIPTION  
OF A  
0.1763 ACRE TRACT FOR THE  
ABANDONMENT OF A  
20' WIDE DRAINAGE EASEMENT  
IN LOT 9 OF  
WASHINGTON BOULEVARD PARK  
OUT OF THE  
C. WILLIAMS SURVEY, ABSTRACT 59  
JEFFERSON COUNTY, TEXAS  
APRIL 22, 2014**

That certain 0.1763 acre tract for the abandonment of a 20' wide Drainage Easement in Lot 9 of Washington Boulevard Park, a plat recorded in Clerks File No. 2008029879 of the Official Public Records of Jefferson County, Texas, and being out of the C. Williams Survey, Abstract 59, Jefferson County, Texas, said 0.1763 acres being more particularly described by metes and bounds as follows:

Note: Bearings are referenced to the NAD83 Texas State Plane Coordinate System, South Central Zone #4204.

**COMMENCING** at a capped iron rod found at the intersection of the northwesterly line of Hillebrandt Bayou and the west line of a called 3.0145 acre tract conveyed to Jefferson County Drainage District No. 6 as recorded in Clerks File No. 2007002496 of the Official Public Records of Jefferson County, Texas for an angle point of Lot 9 of said Washington Boulevard Park;

THENCE North 03°22'26" West along the said west line of the 3.0145 acre tract and the east line of said Lot 9 a distance of 97.90 feet (called North 01°33'13" West) to a point for the southeast corner of the said 0.1763 acre tract and the **POINT OF BEGINNING**;

THENCE South 88°06'34" West along the south line of the said 0.1763 acre tract a distance of 384.00 feet to a point in the east right-of-way line of West Commerce Parkway and the west line of said Lot 9 for the southwest corner of the said 0.1763 acre tract from which a capped iron rod found for the PC of a curve bears South 02°58'10" East 1.05 feet (called South 01°07'55" East);

THENCE North 02°58'10" West along the said east right-of-way line of West Commerce Parkway and the said west line of Lot 9 and the said 0.1763 acre tract a distance of 20.00 feet (called North 01°07'55" West) to a capped iron rod found for the southwest corner of Lot 8 of said Washington Boulevard Park and the northwest corner of said Lot 9 and the said 0.1763 acre tract;

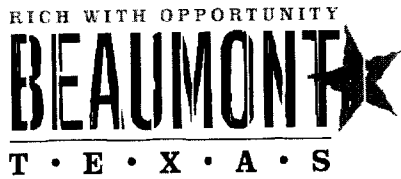
THENCE North 88°06'34" East along the south line of said Lot 8 and the north line of said Lot 9 and the said 0.1763 acre tract a distance of 383.94 feet (called North 89°59'07" East 383.87 feet) to a point in the said west line of the 3.0145 acre tract for the southeast corner of said Lot 8 and the northeast corner of said Lot 9 and the said 0.1763 acre tract from which a capped iron rod found for the northeast corner of Lot 6 of said Washington Boulevard Park bears North 03°22'26" West 348.39 feet (called North 01°33'13" West 348.46 feet);

THENCE South 03°22'26" East along the said west line of the 3.0145 acre tract and the east line of said Lot 9 and the said 0.1763 acre tract a distance of 20.01 feet (called South 01°33'13" East) to the **POINT OF BEGINNING** and containing 0.1763 acres of land, more or less.

May 27, 2014

Consider approving an ordinance abandoning the south 250 ft. of West Commerce Parkway, a 60' road right-of-way

---



## City Council Agenda Item

**TO:** City Council

**FROM:** Kyle Hayes, City Manager

**PREPARED BY:** <sup>CSB</sup> Chris Boone, Community Development Director

**MEETING DATE:** May 27, 2014

**REQUESTED ACTION:** Council consider an ordinance abandoning the south 250 ft. of West Commerce Parkway, a 60' road right-of-way.

### BACKGROUND

Sam Parigi on behalf of Pargo Development, LTD has applied for the abandonment of a portion of West Commerce Parkway, including the existing cul-de-sac.

This abandonment is necessary to facilitate the development of the property as a commercial distribution center. The existing right-of way runs directly through the proposed facility. All utilities and drainage will be removed and redirected or relocated as needed. A new cul-de-sac will be constructed.

This item was sent to all interested parties. The developer will relocate all necessary utilities.

At a Joint Public Hearing held May 19, 2014, the Planning Commission recommended approval 6:0 of the abandonment.

### FUNDING SOURCE

Not applicable.

### RECOMMENDATION

Approval of ordinance.

**APPLICATION FOR RIGHT-OF-WAY  
OR UTILITY EASEMENT ABANDONMENT  
CITY OF BEAUMONT, TEXAS**

THIS IS AN APPLICATION TO ABANDON A: RIGHT-OF-WAY (ROW), UTILITY EASEMENT (UE)  
OR RIGHT-OF-WAY BUT RETAIN UTILITY EASEMENT.

NAME OF APPLICANT: Sam Parigi PHONE: 409-833-9555 FAX: 409-833-9522

AUTHORITY OF APPLICANT: President

NAME OF OWNER: PARAGO DEVELOPMENT, LTD

ADDRESS: 445 North Fourteenth Street  
Beaumont TX 77702-1806 PHONE: 409-833-9555 FAX: 409-833-9522

ALL OWNERS ABUTTING THE ROW OR UE MUST SIGN WRITTEN REQUEST.  
(PLEASE ATTACH PROPERTY OWNER'S LIST TO THE APPLICATION)

DESCRIPTION OF ROW OR UE TO BE ABANDONED: 60' Road Right-of-Way and Cul-de-Sac, 250 ft along the road of  
Commerce Parkway

PRESENT USE OF ROW OR UE (LIST UTILITIES IF PRESENT) Storm Pipe and Inlets, Waterline, Sanitary Sewer,  
Communication Lines, Electrical lines, Gas Line, And 37' Wide Concrete Roadway

**ATTACH A LETTER** STATING THE REASONS FOR THE ABANDONMENT.

**LEGAL DESCRIPTION OF PROPERTY:**

LOT NO. Lots 6-13. OR TRACT \_\_\_\_\_

BLOCK NO. \_\_\_\_\_ PLAT \_\_\_\_\_

ADDITION Washington Boulevard Park SURVEY \_\_\_\_\_

**ATTACH A MAP** OR PLAT DELINEATING THE PUBLIC ROW OR UE TO BE ABANDONED AND THE LEGAL DESCRIPTION OF ADJACENT PROPERTY (DIMENSIONED AND TO ENGINEERING SCALE).

ATTACH THE \$300.00 **APPLICATION FEE**, THE ACTUAL COST OF NECESSARY APPRAISALS AND TITLE COMMITMENTS. IF PROPERTY IS ABANDONED, APPRAISED VALUE OF THE FEE INTEREST IN THE PROPERTY SHALL BE CHARGED.

TO THE BEST OF MY KNOWLEDGE, THE ABOVE INFORMATION IS TRUE AND CORRECT.

SIGNATURE OF APPLICANT:  DATE: 4-25-14

PLEASE TYPE OR PRINT AND SUBMIT TO:

PLANNING DIVISION, ROOM 205  
CITY HALL, 801 MAIN STREET  
BEAUMONT, TX 77701  
P.O. BOX 3827 77704  
(409) 880-3764 FAX (409) 880-3133

FILE NUMBER: ~~847-03~~ 847-03  
DATE RECEIVED: 4/25/14  
RECEIPT NUMBER: \_\_\_\_\_

# Fittz & Shipman

INC.

*Consulting Engineers and Land Surveyors*

Ronald D. Fittz, P.E., R.P.L.S. (1948-1987)  
Terry G. Shipman, P.E., Chairman  
Billy J. Smith, Jr., President  
Donald R. King, P.E.  
Walter J. Ksiazek, R.P.L.S.

May 24, 2012

Mr. Chris Boone  
Planning Department  
City of Beaumont  
P. O. Box 3287  
Beaumont, Texas 77701

**RE: Abandonment of Utility and Drainage Easement, and  
Partial Abandonment of West Commerce Parkway  
Washington Boulevard Park**

**FS Proj. No. 14046.0001**

Dear Mr. Boone,

The Parago Development LTD. requests the abandonment of Washington Boulevard Park Utility Easement along the east and west Right-of-Way of West Commerce Parkway and the east and west Right-of-Way of West Commerce Parkway. This request is made to allow construction of new commercial distribution center facilities on the site to accommodate the growing company's needs. The company is proposing to relocate within the City to a newer and larger facility.

The Right-of-Way and the easement, as you can see from the plat and legal description provided with this letter, runs directly through the new facility location.

Water facilities that previously ran along West Commerce Parkway through the right-of-way will have to be abandon and rerouted. Sanitary sewer has been found on site within right-of-way. Storm sewers within the right-of-way and drainage easement to be removed and directed to a proposed new drainage easement location. The new drainage easement will convey drainage public runoff from the previous businesses and vacant lots that were draining to the abandoned street, to a drainage ditch, as previously designed.


The remaining utilities consist of gas line servicing only the school, and AT&T underground line that can be relocated. CenterPoint Energy is working with us to adjust the existing gas line.

Entergy Texas has a power pole with a street light attached to it on site within the right-of-way. However, the pole is provides service to the lots that will developed and will not affect other business once relocated. Entergy has stated the pole and street light will need to be removed upon request from the developer. No other Entergy distribution lines run through the easement.

Your help in this matter is greatly appreciated by Parago Development LTD and Scannell Properties developers.

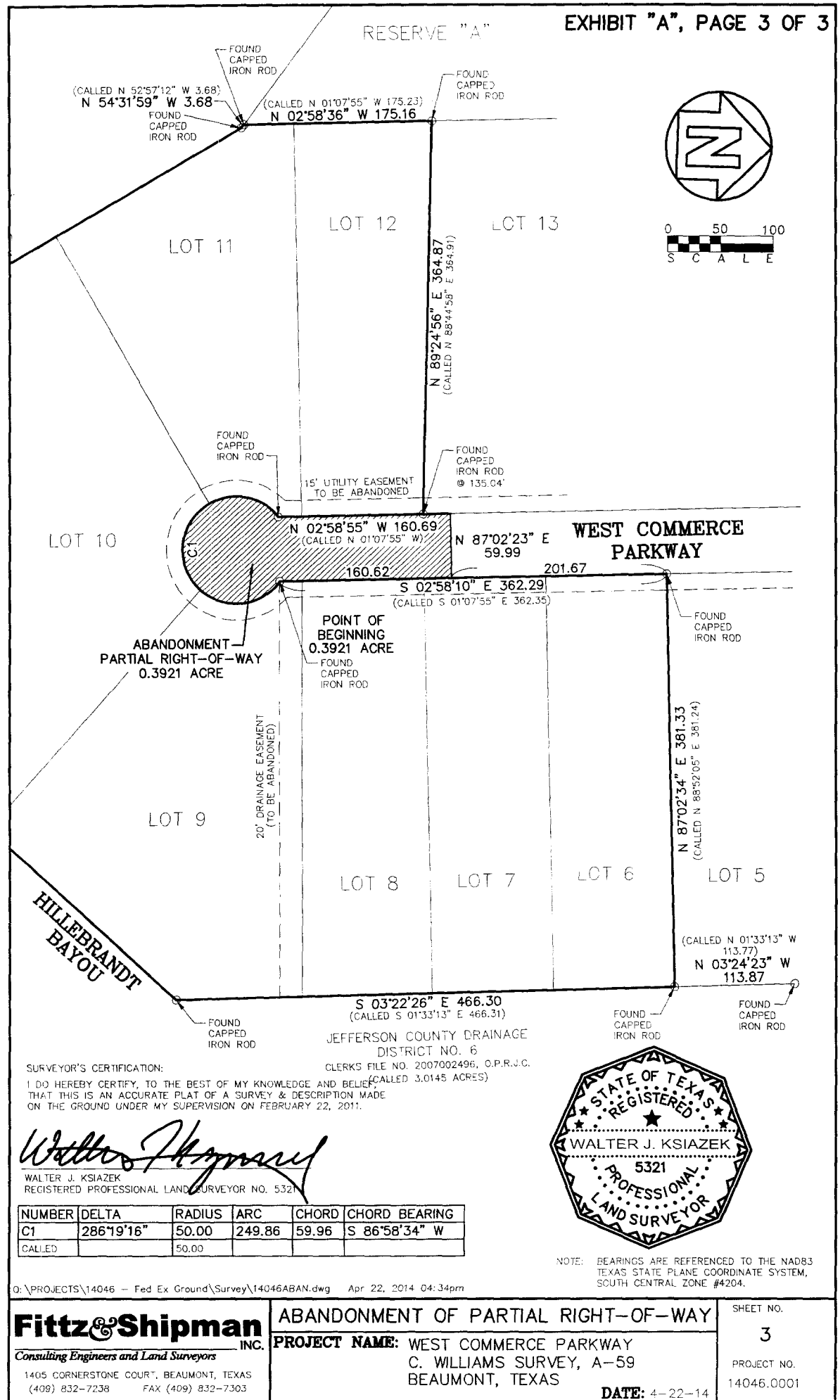
Sincerely,

**Fittz & Shipman, Inc.**

by:   
Ben Tristan, E.I.T., Project Engineer  
for the Firm

14046.00011001.doc

Attachments



ORDINANCE NO.

ENTITLED AN ORDINANCE VACATING AND ABANDONING  
THE SOUTH 250' OF WEST COMMERCE PARKWAY, A 60'  
ROAD RIGHT-OF-WAY, CITY OF BEAUMONT, JEFFERSON  
COUNTY, TEXAS.

WHEREAS, SAM Parigi, on behalf of Pargo Development, LTD, has applied for an abandonment of the South 250' of West Commerce Parkway, a 60' road right-of-way, in the City of Beaumont, Jefferson County, Texas, as described in Exhibit "A," attached hereto, and;

WHEREAS, the City Council has considered the purpose of said abandonment and is of the opinion that the road right-of-way is no longer necessary for municipal street purposes and the abandonment of said right-of-way is in the best interest of the City and should be granted;

NOW, THEREFORE, BE IT ORDAINED BY THE  
CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT the South 250' of West Commerce Parkway, a 60' road right-of-way, in the City of Beaumont, Jefferson County, Texas, as described in Exhibit "A," attached hereto, be and the same is hereby vacated and abandoned and that title to such property shall revert to and become the property of the persons entitled thereto by law.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 27th day of May, 2014.

---

- Mayor Becky Ames -

**LEGAL DESCRIPTION FOR ORDINANCE PURPOSES**

**EXHIBIT "A", PAGE 1 OF 3  
FIELD NOTE DESCRIPTION  
OF A  
0.3921 ACRE TRACT FOR THE  
ABANDONMENT OF A  
PORTION OF WEST COMMERCE PARKWAY  
OUT OF THE  
C. WILLIAMS SURVEY, ABSTRACT 59  
JEFFERSON COUNTY, TEXAS  
APRIL 22, 2014**

That certain 0.3921 acre tract for the abandonment of a portion of West Commerce Parkway out of the C. Williams Survey, Abstract 59, Jefferson County, Texas, said 0.3921 acres being more particularly described by metes and bounds as follows:

Note: Bearings are referenced to the NAD83 Texas State Plane Coordinate System, South Central Zone #4204.

***BEGINNING*** at a capped iron rod found in the east right-of-way line of West Commerce Parkway and the west line of Lot 9 of Washington Boulevard Park, a plat recorded in Clerks File No. 2008029879 of the Official Public Records of Jefferson County, Texas for the PC of a curve;

THENCE along the southerly right-of-way line of said West Commerce Parkway with a curve to the left having a chord bearing of South 86°58'54" West, a chord distance of 59.96 feet and a radius of 50.00 feet, a distance of 249.86 feet along the curve to a capped iron rod found for the PT of the said curve;

THENCE North 02°58'55" West along the west right-of-way line of West Commerce Parkway, the east line of Lots 11, 12 and 13 of said Washington Boulevard Park a distance of 160.69 feet (called North 01°07'55" West) to a point for the northwest corner of the said 0.3921 acre tract;

THENCE North 87°02'23" East along the north line of the said 0.3921 acre tract a distance of 59.99 feet to a point in the said east right-of-way line of West Commerce Parkway and the west line of Lot 7 of said Washington Boulevard Park for the northeast corner of the said 0.3921 acre tract from which a capped iron rod found for the southwest corner of Lot 5 and northwest corner of Lot 6 of said Washington Boulevard Parkway bears North 02°58'10" West 201.67 feet (called North 01°07'55" West);

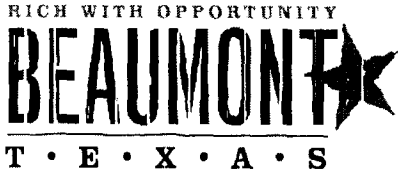
THENCE South 02°58'10" East along the said east right-of-way line of West Commerce Parkway and the west line of said Lots 7, 8 and 9 a distance of 160.62 feet (called South 01°07'55" East) to the ***POINT OF BEGINNING*** and containing 0.3921 acres of land, more or less.

This description is based on a survey made by Fittz & Shipman, Inc. on April 16, 2014.

**May 27, 2014**

Consider amending Section 2.03.075 of the Code of Ordinances by reducing the number of Grade IV (Captain) positions from 3 to 2 and increasing the number of Grade I (Officer) positions from 198 to 199

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## City Council Agenda Item

**TO:** City Council

**FROM:** Kyle Hayes, City Manager

**PREPARED BY:** James P. Singletary, Chief of Police

**MEETING DATE:** May 27, 2014

**REQUESTED ACTION:** Council consider amending Section 2.03.075 of the Code of Ordinances by reducing the number of Grade IV (Captain) positions from 3 to 2 and increasing the number of Grade I (Officer) positions from 198 to 199.

### **BACKGROUND**

A Grade IV Captain's position is vacant due to a recent termination and an arbitration hearing is expected. Chief Singletary wishes to delete this vacant position and create one new Grade I Officer position within the Police Department.

### **FUNDING SOURCE**

Not applicable.

### **RECOMMENDATION**

Approval of amending the Code of Ordinances.

ORDINANCE NO.

ENTITLED AN ORDINANCE AMENDING SECTION 2.03.075 OF THE CODE OF ORDINANCES BY DECREASING NUMBER OF GRADE IV CAPTAIN POSITIONS IN THE BEAUMONT POLICE DEPARTMENT FROM THREE (3) TO TWO (2) AND INCREASING THE NUMBER OF GRADE I OFFICER POSITIONS IN THE BEAUMONT POLICE DEPARTMENT FROM ONE HUNDRED NINETY-EIGHT (198) TO ONE HUNDRED NINETY-NINE (199); PROVIDING FOR SEVERABILITY AND PROVIDING FOR REPEAL.

Section 1.

That Chapter 21, Section 2.03.075, of the Code of Ordinances of the City of Beaumont be and the same is hereby amended to decrease the number of Grade IV Captain positions in the Beaumont Police Department from three (3) to two (2) and increase the number of Grade I Officer positions in the Beaumont Police Department from one hundred ninety-eight (198) to one hundred ninety-nine (199).

Section 2.

That if any section, subsection, sentence, clause or phrase of this ordinance, or the application of same to a particular set of persons or circumstances, should for any reason be held to be invalid, such invalidity shall not affect the remaining portions of this ordinance and, to such end, the various portions and provisions of this ordinance are declared to be severable.

Section 3.

All ordinances or parts of ordinances in conflict herewith, including conflicting portions of the City Budget, are repealed to the extent of the conflict only.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 27th day of May,  
2014.

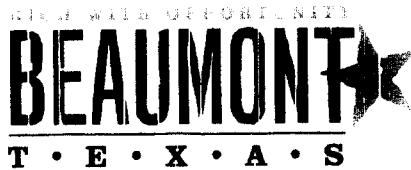
---

- Mayor Becky Ames -

May 27, 2014

Consider a resolution approving a change order to the contract with Allco, Inc. for the South Park Drainage Improvement Project

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## City Council Agenda Item

**TO:** City Council

**FROM:** Kyle Hayes, City Manager

**PREPARED BY:** <sup>PD</sup> Patrick Donart, Public Works Director

**MEETING DATE:** May 27, 2014

**REQUESTED ACTION:** Council consider a resolution approving a change order to the contract with Allco, Inc. for the South Park Drainage Improvement Project.

### BACKGROUND

On April 9, 2013, City Council awarded Allco LLC the contract for South Park Drainage Improvements in the amount of \$12,330,865. This project includes the installation and replacement of storm sewer boxes and pipes which will significantly increase the capacity of the present drainage system.

Change Order No. 7 is recommended in the amount of \$143,400. The proposed changes to the contract include the costs associated with bypass pumping of the storm water within the construction area to the existing storm sewer system. This is necessary to provide for the storm water drainage in the interim due to delays in tunneling under the existing KCS railroad which will eventually drain to the Neches River.

Previously approved Change Orders 1-6 include furnishing a temporary fence within the Chemtrade Chemical Plant in the amount of \$7,705, the construction of a concrete wingwall at the outfall inside the Chemtrade Chemical Plant in the amount of \$9,863.99, the removal of a raised median for driveway access to LIT and SETX food bank in the amount of \$3,173.81, the addition of reinforcing steel in the concrete roadway in the amount of \$5,665.38, re-alignment of the storm sewer within KCS railroad crossing easement and eliminating the Prime coat and embankment material in the amount of \$23,059.13, and installation of cement stabilized backfill at the junction box on MLK feeder road, removal and installation of pipe and inlets on East Lavaca, and installation of field modifications for a bypass pumping access point in the amount of \$6,294.22.

### FUNDING SOURCE

Hurricane Ike Disaster Recovery Program grant in the amount of \$11,339,401 and the Capital Program.

### RECOMMENDATION

Approval of resolution.

## CITY OF BEAUMONT

**DATE:** May 20, 2014  
**PROJECT:** SOUTHPARK DRAINAGE PROJECT  
**OWNER:** CITY OF BEAUMONT  
**CONTRACTOR:** ALLCO, INC.  
**CHANGE ORDER NO.:** 7

**THE FOLLOWING CHANGES IN THE PLANS AND/OR SPECIFICATIONS ARE HEREBY MADE:**

Change Order No. 7 is for costs associated with dewatering the storm sewer and bypass pumping to the existing storm sewer system, plus requirements to access our storm water and temporary construction easements through Chemtrade's facility.

Item No.	Item Code	Description	Unit	Original Quantity	New Quantity	Unit Price/Total	
7000	001	BYPASS PUMPING (12IN AND 6IN DIESEL PUMPS) (COMPLETE)	MO	0.00	6.00	\$22,600.00	\$135,600.00
7000	002	DIESEL FUEL (BYPASS PUMPING)(COMPLETE)	GAL.	0.00	600.00	\$4.00	\$2,400.00
7001	001	SECURITY GUARD (CHEMTRADE)(COMPLETE)	MO	0.00	4.00	\$1,350.00	\$5,400.00
						<b>TOTAL:</b>	<b>\$143,400.00</b>

ORIGINAL CONTRACT AMOUNT:	\$12,330,865.00
NET FROM PREVIOUS CHANGE ORDERS:	\$12,386,626.53
TOTAL AMOUNT OF THIS CHANGE ORDER:	\$143,400.00
PERCENT OF THIS CHANGE ORDER:	1.16%
TOTAL PERCENT CHANGE ORDER TO DATE:	1.62%
NEW CONTRACT AMOUNT:	\$12,530,026.53

ACCEPTED BY:

\_\_\_\_\_  
ALLCO, INC.

RECOMMENDED BY:

\_\_\_\_\_  
PATRICK DONART, PUBLIC WORKS DIRECTOR

\_\_\_\_\_  
DR. JOSEPH MAJDALANI, P.E., CITY ENGINEER

APPROVED BY:

\_\_\_\_\_  
KYLE HAYES, CITY MANAGER

ATTESTED BY:

\_\_\_\_\_  
TINA BROUSSARD, CITY CLERK

## RESOLUTION NO.

WHEREAS, on April 9, 2013, the City Council of the City of Beaumont, Texas passed Resolution No. 13-082 awarding a contract in the amount of \$12,330,865 to Allco, LLC, of Beaumont, Texas, for the South Park Drainage Improvement Project; and,

WHEREAS, on August 12, 2013, the City Manager executed Change Order No. 1, in the amount of \$7,705 to furnish a temporary fence within the Chemtrade Chemical Plant, thereby increasing the contract amount to \$12,338,570; and,

WHEREAS, on October 21, 2013, the City Manager executed Change Order No. 2, in the amount of \$9,863.99 for the construction of a concrete wingwall at the outfall inside the Chemtrade Chemical Plant, thereby increasing the contract amount to \$12,348,433.99; and,

WHEREAS, on November 25, 2013, the City Manager executed Change Order No. 3, in the amount of \$3,173.81 for the removal of a raised median for driveway access to LIT and SETX Food Bank, thereby increasing the contract amount to \$12,351,607.80; and,

WHEREAS, on February 20, 2014, the City Manager executed Change Order No. 4, in the amount of \$5,665.38 for the addition of reinforcing steel in the concrete roadway, thereby increasing the contract amount to \$12,357,273.18; and,

WHEREAS, on March 4, 2014, the City Council of the City of Beaumont, Texas passed Resolution No. 14-057 authorizing the City Manager to execute Change Order No. 5, in the amount of \$23,059.13, to include costs associated with realignment of the storm sewer within the KCS railroad crossing easement and a deduction for eliminating the prime coat and embankment material, thereby increasing the contract amount to \$12,380,332.31; and,

WHEREAS, on March 28, 2014, the City Manager executed Change Order No. 6, in the amount of \$6,294.22, for all costs associated with the installation of cement stabilized backfill at the junction box on MLK feeder road, removal and installation of pipe and inlets on East Lavaca, the removal and shoring costs and installation of field modifications for a by-pass pumping access point, thereby increasing the contract amount to \$12,386,626.53; and,

WHEREAS, Change Order No. 7, in the amount of \$143,400, is required to include costs associated with bypass pumping of the storm water within the construction area to the existing storm sewer system, thereby increasing the contract amount to \$12,530,026.53;

NOW, THEREFORE, BE IT RESOLVED BY THE

CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT the City Manager be and he is hereby authorized to execute Change Order No. 7 for additional work described above, thereby increasing the contract amount by \$143,400 for a total contract amount of \$12,530,026.53 for the South Park Drainage Improvement Project.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 27th day of May, 2014.

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- Mayor Becky Ames -

# WORK SESSION

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- \* Review and discuss the City's healthcare program and related expenses